

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

ALEXIA HUMPHREY,)
v.)
Plaintiff,)
MEHARRY MEDICAL COLLEGE,)
v.)
Defendant.)
Case No. _____
Jury Demand

PETITION FOR REMOVAL

Defendant Meharry Medical College, through its undersigned counsel of record, for the purpose of removing this case to the United States District Court for the Middle District of Tennessee, states as follows:

1. An action was commenced by Complaint on Defendant on August 30, 2012, in the Circuit Court for Davidson County, Tennessee, Case No. 12C3480. Therein, Plaintiff alleges claims of unequal pay, race/ national origin/ sex/ and gender discrimination and retaliation under The Equal Pay Act (29 U.S.C. § 206), The Civil Rights Act of 1991 (42 U.S.C. § 1981) and The Tennessee Human Rights Act (T.C.A. § 4-21-101 et seq.).

2. The above-described action is one in which this Court has original jurisdiction under the provisions of 28 U.S.C. § 1331, and is one which may be removed to this Court by Defendant pursuant to the provisions of 28 U.S.C. § 1441.

3. All of the allegations contained in the Complaint against Defendant arose out of Plaintiff's employment by Defendant, and the district courts of the United States have subject matter jurisdiction on the basis of federal question jurisdiction over all claims and actions brought under the The Civil Rights Act of 1991 and The Equal Pay Act, without regard to the amount in controversy or the citizenship of the parties. 28 U.S.C. § 1441(b).

4. Because this action arises pursuant to the laws of the United States in a matter over which this Court has original jurisdiction, the action "may be removed by the [Defendant] to the district court of the United States for the district and division embracing the place where such action is pending." 28 U.S.C. § 1441(a); Metropolitan Life Insurance Co. v. Taylor, 481 U.S. 58 (1987).

5. Without admitting same, to the extent any claim does not arise pursuant to The Civil Rights Act of 1991 and The Equal Pay Act, it is a claim cognizable by this Court pursuant to its supplemental jurisdiction under 28 U.S.C. § 1337.

6. Removal is timely under 28 U.S.C. § 1446(b), which allows Defendant thirty (30) days from the earlier of service or receipt of Plaintiff's Complaint within which to file a Petition for Removal. Plaintiff's Complaint was served upon Defendant on September 5, 2012.

7. A true and correct copy of Plaintiff's Complaint is attached hereto as Exhibit A. Defendant has not answered Plaintiff's Complaint. Plaintiff has requested a jury of twelve (12) persons to hear his case. Trial has not yet commenced in the Circuit Court for Davidson County, Tennessee.

8. Also attached hereto as Exhibit B is a copy of the Notice of Filing Petition for Removal, that has been filed with the Circuit Court for Davidson County, Tennessee.

9. By filing this Petition for Removal, Defendant does not waive, and fully reserves all defenses it may have, including, but not limited to, the following defenses: Plaintiff's claims are barred because Plaintiff fails to state a claim upon which relief can be granted; Plaintiff's claims are barred because all the personnel actions which Plaintiff complains were taken for legitimate, nondiscriminatory business reasons.

10. Written notice of this Petition for Removal will be provided to Plaintiff by service of this document on Plaintiff's counsel.

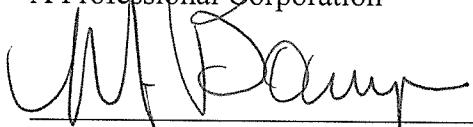
11. Defendant respectfully requests that the United States District Court for the Middle District of Tennessee accept this Petition for Removal and that it assume jurisdiction of this cause and issue such further orders and processes as may be necessary to bring before it all parties necessary.

Dated this _____ day of September, 2012

Respectfully submitted,

BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ
A Professional Corporation

By:

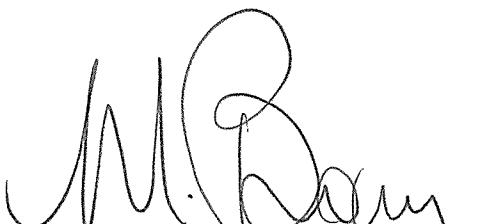

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*Attorneys for Defendant Meharry Medical
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CERTIFICATE OF SERVICE

I hereby certify that on this the 21 day of September 2012, a copy of the foregoing has been sent by U. S. Mail postage pre-paid to:

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